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09/993,969	11/14/2001	Paul A. Siudzinski	7709-C	9013

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Alan F. Meckstroth  
JACOX, MECKSTROTH & JENKINS  
Suite 2  
2310 Far Hills Building  
Dayton, OH 45419-1575

EXAMINER
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TRAN A, PHI DIEU N

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/993,969

**Applicant(s)**

SIUDZINSKI ET AL.

**Examiner**

Phi D A

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34 is/are allowed.
- 6) ☒ Claim(s) 24-28, 30, 32 and 35 is/are rejected.
- 7) ☒ Claim(s) 29, 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 35, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in claim 35 in view of Novak et al (5651223) and Yane.

Applicant claim 35 discloses a patio door assembly including a rectangular main frame having a pair of vertical jamb members rigidly connected by a top head member and a bottom sill member, a separate vertical astragal member spaced between said jamb members and rigidly connected to the head and sill members, a first door panel within the main frame and the said first door panel including a rectangular door panel frame supporting a glass panel, a swinging second door panel within the main frame and the second door panel including a rectangular door panel frame supporting a glass panel, said astragal member and each of the door panel frames and the member of the main frame comprising extrusions of rigid plastics material, and the main frame and each of the door panel frames being welded mitered corner joints being well-known.

Applicant claim 35 does not show each of the door panel frames including elongated frame members each having parallel spaced outer side walls and inner walls spaced substantially parallel to the outer side walls, a first plurality of spaced internal walls extending laterally between the outer side walls and the inner walls of each said door frame member and integrally connecting the outer side walls to the inner walls, a second plurality of spaced internal walls extending laterally between the inner walls of each door frame member and integrally connecting

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the inner walls, a hinge having an inactive leaf secured by threaded fasteners to the astragal member and an active leaf secured by fasteners threaded into the internal walls of an adjacent said frame member of the second door panel.

Novak et al (figure 4) shows the panel frames including elongated frame members (60) each having parallel spaced outer side walls and inner walls spaced substantially parallel to the side walls, a first plurality of spaced internal walls extending laterally between the side walls and the inner walls and integrally connecting the outer side walls to the inner walls, a second plurality of spaced internal walls extending laterally between the inner walls and integrally connecting the inner walls, the frames(60) being connected to the astragal (88) by fasteners and fasteners securing the frame by threading into the internal walls of an adjacent said frame member of the second panel.

Yane shows a hinge having an inactive leaf secured to the astragal (8) and an active leaf secured to the walls of an adjacent said frame member of the second panel.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Applicant's admitted prior art to show the panel frames including elongated frame members each having parallel spaced outer side walls and inner walls spaced substantially parallel to the outer side walls, a first plurality of spaced internal walls extending laterally between the outer side walls and the inner walls and integrally connecting the outer side walls to the inner walls, a second plurality of spaced internal walls extending laterally between the inner walls and integrally connecting the inner walls, a hinge having an inactive leaf secured by threaded fasteners to the astragal member and an active leaf secured by fasteners threaded into the internal walls of an adjacent said frame member of the second panel because having the panel

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frame made of spaced interconnected walls as taught by Novak et al would reduce the weight of the door, and having a hinge with leafs secured to the astragal and an adjacent frame member with threaded fasteners would secure the door in place while providing the swingability property to the door.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in claim 35 in view of Novak et al (5651223) and Yane.

Applicant's admitted prior art as modified shows all the claimed limitations except for the hinge extending from the head member to the sill member, the inactive leaf of the hinge being longer than the active leaf of the hinge.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Applicant's modified admitted prior art to show the hinge extending from the head member to the sill member, the inactive leaf of the hinge being longer than the active leaf of the hinge because having the hinge extending from the head member to the sill would provide a strong attachment of the door to the frame and having the inactive leaf being longer than the active leaf would allow for strong attachment of the door to the frame and easy swingability of the door.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in claim 35 in view of Novak et al (5651223) and Yane and Dallaire (5887387).

Applicant's admitted prior art as modified shows all the claimed limitations except for the astragal member including parallel spaced opposite side walls integrally connected by interior and exterior end walls, stop portions integral with the side walls and projecting laterally

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outwardly from the side walls adjacent the frames of the door panel, a plurality of internal walls extending laterally of the side walls of the astragal member and integrally connecting the side walls, the internal walls spaced adjacent the interior and exterior end walls of the astragal member having longitudinally extending portions defining holes receiving vertical threaded fasteners extending through said head and sill members.

Novak et al (figure 4) further shows an astragal member including parallel spaced opposite side walls integrally connected by interior and exterior end walls, stop portions integral with the side walls and projecting laterally outwardly from the side walls adjacent the frames of the door panel, a plurality of internal walls extending laterally of the side walls of the astragal member and integrally connecting the side walls.

Dallaire shows a door having the lower and upper frame with holes receiving vertical threaded fasteners extending through head and sill members to fasten the frame structure in place.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Applicant's modify admitted prior art to show the astragal member including parallel spaced opposite side walls integrally connected by interior and exterior end walls, stop portions integral with the side walls and projecting laterally outwardly from the side walls adjacent the frames of the door panel, a plurality of internal walls extending laterally of the side walls of the astragal member and integrally connecting the side walls, the internal walls spaced adjacent the interior and exterior end walls of the astragal member having longitudinally extending portions defining holes receiving vertical threaded fasteners extending through said head and sill members because the astragal member including parallel spaced opposite side walls

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integrally connected by interior and exterior end walls, stop portions integral with the side walls and projecting laterally outwardly from the side walls adjacent the frames of the door panel, a plurality of internal walls extending laterally of the side walls of the astragal member and integrally connecting the side walls would provide for light weight of the astragal and the stopper would enable the sealing of the door environment from the elements, and the astragal having longitudinally extending portions defining holes receiving vertical threaded fasteners extending through said head and sill members would enable fastening of the astragal to the sill and header member which enables the astragal to stably supporting weights.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in claim 35 in view of Novak et al (5651223) and Yane.

Applicant's admitted prior art as modified shows all the claimed limitations except for a metal approach member mounted on the sill member, the approach member having an upwardly projecting horizontal track extending between the jamb members, the approach including an inner portion defining a groove, a flexible door seal projecting into the groove.

Yane (figure 5) shows a metal approach member (15 and the part where the screen slides on) mounted on the sill member ( the wooden part at bottom), the approach member having an upwardly projecting horizontal track extending between the jamb members, the approach including an inner portion defining a groove (the groove underneath part 20), a flexible door seal (the seal left, beside part 20) projecting into the groove.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Applicant' modified admitted prior art to show a metal approach member mounted on the sill member, the approach member having an upwardly projecting horizontal

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track extending between the jamb members, the approach including an inner portion defining a groove, a flexible door seal projecting into the groove because it would enable the sliding of a screen on the patio door and the seal would protect the inside of the room from the environment.

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in claim 35 in view of Novak et al (5651223) and Yane.

Applicant's admitted prior art as modified shows all the claimed limitations except for an angular insert strip attached by snap-fit to exterior portions of the head and jamb members to define a channel adapted to receive a sliding screen door.

Yane (figure 5) shows an angular insert strip (figure 2, the part that is attached to the screen 44) attached by snap-fit to exterior portions of the head and jamb members to define a channel adapted to receive a sliding screen door.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Applicant's modified admitted prior art to show an angular insert strip attached by snap-fit to exterior portions of the head and jamb members to define a channel adapted to receive a sliding screen door because it would enable attachment of the screen to the head and jamb members for support.

7. Claims 28, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in claim 35 in view of Novak et al (5651223) and Yane.

Applicant's admitted prior art as modified shows all the claimed limitations except for each of the door panel frames defining a peripherally extending and laterally outwardly facing external groove, and a rigid spacer member extending within the groove.



Novak et al (figure 4) further shows each of the door panel frames defining a peripherally extending and laterally outwardly facing external groove, a rigid spacer member (84) extending into the groove.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Applicant's modified admitted prior art to show each of the door panel frames defining a peripherally extending and laterally outwardly facing external groove, a rigid spacer member (84) extending into the groove because it would provide structural support and concealment for the frame members.

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in claim 35 in view of Novak et al (5651223) and Yane.

Applicant's admitted prior art as modified shows all the claimed limitations except for a latch mechanism mounted within the door panel frame of the second door panel between the parallel spaced inner walls.

Yane shows a latch mechanism (figure 2) mounted within the door panel frame of the second door panel between parallel spaced inner walls to enable opening and closing of the door.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Applicant's modified admitted prior art to show a latch mechanism mounted within the door panel frame of the second door panel between parallel spaced inner walls because it enables opening and closing of the door as taught by Yane.

***Allowable Subject Matter***

9. Claim 34 is allowed.

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10. Claims 29, 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Per claim 33, prior art does not show the inner walls of the first door panel frame including opposing ribs projecting inwardly from the inner walls into the groove, the spacer member comprising a spacer channel having U-shaped portions engaging the ribs with a snap-fit connection in combination with other claimed limitations.

Per claim 29, prior art does not show the groove in each said door panel frame being defined by spaced inner walls having opposing ribs projecting into the groove, the spacer member comprising a spacer channel having U-shaped portions engaging the ribs with a snap-fit connection in combination with other claimed limitations.

Per claim 34, prior art does not show a patio door assembly having a rectangular main frame having a pair of vertical jamb members rigidly connected by a top head member and a bottom sill member, the main frame having a vertical astragal member spaced between the jamb members and rigidly connected to the head and sill members, a first door panel within the main frame and including a rectangular door panel frame supporting a glass panel, a second door panel within the main frame and including a rectangular door panel frame supporting a glass panel, the astragal member and each of the door panel frames and the member of the main frame comprising extrusions of rigid plastics material, the main frame and each of the door panel frames having welded mitered corner joints, a hinge having an inactive leaf secured to the main frame and an active leaf secured to the frame of the second door panel, the head and jamb

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members having outwardly projecting double wall exterior portions defining laterally inwardly facing channels, elongated and removable plastic insert strips having an L-shaped cross-sectional configuration and forming snap-fit connections with undercut grooves within the channels, the strips having laterally inwardly projecting flanges adapted to retain a frame of a sliding screen door within the head and jamb members.

### *Response to Arguments*

1. Applicant's arguments filed 8/4/03 have been fully considered but they are not persuasive.

With respect to applicant's argument that Novak et al does not show teachings of door panel frame and connection of the frame of the swinging second door panel to the astragal, examiner respectfully points to the rejection above which specifically labels the astragal and the connections of panel frame (60) to the astragal. The argument is thus moot.

With respect to applicant's argument about the "hinge" claimed in claim 24, examiner respectfully points to the teaching of Yane, which teaches a hinge connecting frame members to the astragal. Having a hinge with a longer and shorter leaf would enhance the easy swinging and secure fastening of the frame members to the astragal as stated above. The argument is thus moot.

With respect to applicant's argument about claim 25 to Dallaire, Dallaire shows vertical threaded fasteners as shown in applicant's figure 6 and meet the claimed limitations. The references further modified by Dallaire thus show all the claimed limitations. The argument is thus moot.

With respect to claims 26-27, the references as further modified by Yane shows applicant's metal approach member with an inner portion having a groove receiving a flexible door seal, an angular insert strip attached by snap-fit to the head and jamb members to define a channel as taught by Yane figures 2 and 5. The argument is thus moot.

With respect to claims 28 and 32, Novak et al shows door panel frame (86) having peripherally extending laterally outwardly facing external groove and a rigid spacer member (84) within the groove as claimed. The argument is thus moot.

With respect to applicant's argument about Yane's latch mechanism, examiner would like to point out the mechanism which is attached to the knob or door opening/closing mechanism in figure 2 as pointed out in the office action above. The references as further modified by Yane shows all the claimed limitations. The argument is thus moot

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different door designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A  
October 20, 2003

PA

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

